6108741/2022/VIG-III-MAU01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – M.A. & U.D. Department – Bhimavaram Municipality - Violation of Building Rules and Zoning Regulations in Bhimavaram Municipality – Disciplinary Proceedings instituted against Sri K.Tulasi Ram, the then TPO (Retired) of Bhimavaram Municipality under Rule 20 of A.P.Civil Services (Classification, Control and Appeal) Rules, 1991 - Enquiry conducted – charges proved – Imposition of penalty of withholding of pension @ 7.39% permanently against Sri K.Tulasi Ram, the then TPO (Retired), Bhimavaram Municipality, West Godavari District - Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.III) DEPARTMENT

G.O.Rt.No.473 **Dated:11.07.2022.**

Read the following:-

1. From the Director General, General Administration (V&E) Department, Vigilance Report No.31 (C.No.406/V&E/D1/2004), dated: 06.04.2004.
2. G.O.Rt.No.1437, M.A. & U.D. (E1) Department, dated 17.12.2004.
3. Written Statement of Defence of the Charged Officer Sri K.Tulasi Ram, the then TPO of Bhimavaram Municipality.
4. Govt. Memo. No.7498/E1/2004-5, dated 22.08.2005.
5. From the Director of Town & Country Planning, A.P., Hyderabad, Memo. Roc. No.4215/2004/V.Cell, dated 01.06.2006.
6. From the Regional Deputy Director of Town & Country Planning & Enquiry Officer, Rajahmundry, letter Roc.No.763/2006/R2, dt.08.08.2006.
7. Memo. Roc. No.4215/2004/V.Cell-3, dated 05.05.2007 of the Director of Town & Country Planning, A.P., Hyderabad.
8. From Sri K.Tulasi Ram, the then TPO., Bhimavaram Municipality, written representation, dated. 14.06.2007.
9. Govt.Memo.No.7498/Vig.I/2004, dt.12.02.2021.
10. From the DTCP, Mangalagiri, Lr.ROC.No.4215/2004/V.Cell, dt.28.05.2021.
11. Govt.Lr.No.7498/Vig.III/2004, dt.09.03.2022.
12. From the Secretary, APPSC, Vijayawada, Lr.dt.02.06.2022.

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O R D E R:

Whereas, it has been brought to the notice of the Government by the Director General, General Administration (V&E) Department in the reference 1st read above that the V & E officials inspected the unauthorized constructions of two additional floors over and above the permitted floors at D.No.27-17-18/1, A.S.R.Nagar, Bhimavaram and recommended to initiate disciplinary action against the town planning officials viz., Sri K.Tulasi Ram, the then TPO of Bhimavaram Municipality., and two (2) others of Bhimavaram Municipality, as they failed to stop the aforesaid deviations either at the initial stage or at the final stage of construction. Accordingly, Government initiated departmental action by issuing Articles of Charges against Sri K.Tulasi Ram, the then TPO of Bhimavaram Municipality, vide G.O. 2nd read above.

2. In the reference 3rd read above, the charged officer Sri K.Tulasi Ram, the then TPO of Bhimavaram Municipality submitted his written statement of defence, denying the charges framed against him.

3. Having not convincing with the explanation of the charged officer, the Director of Town & Country Planning, A.P., Hyderabad was requested to take

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necessary further action by appointing an Enquiry Officer at his level and furnish the Action taken report to the Government, vide reference 4th read above. Accordingly, in the references 5th read above, the Director of Town & Country Planning, A.P., Hyderabad issued orders, appointing Sri A. Narayana Raju, Regional Deputy Director of Town Planning, Rajahmundry and Sri W.Ramakrishna Reddy, Asst. Director of Town Planning (I/c), Regional Office, Guntur as an Enquiry Officer & Presenting Officer respectively, to enquire into the charges framed against the charged officers Sri K.Tulasi Ram, the then TPO of Bhimavaram Municipality and two (2) others of Bhimavaram Municipality.

4. In the reference 6th read above, the Regional Deputy Director of Town & Country Planning & Enquiry Officer, Rajahmundry submitted his Enquiry Report and stating that the charges framed against the charged officers Sri K.Tulasi Ram, the then TPO., was held proved in the Enquiry.

5. In the reference 7th read above, the Director of Town & Country Planning, A.P., Hyderabad communicated a copy of the Enquiry Report to the charged officer Sri K.Tulasi Ram, the then TPO., under Rule 21 (2) of A.P.C.S. (CC&A) Rules, 1991 with a direction to submit his written representation if any, on the findings of Enquiry Officer.

6. In the reference 8th read above, the charged officer Sri K.Tulasi Ram, the then TPO, submitted his written representation. Among others, he requested to analyze the findings of IA and to drop further action against him. The written representation has been examined and found that there are no new grounds put-forth by the charged officer for considering his request and decided to impose (3) annual grade increments with cumulative effect against him. The Director of Town and Country Planning reported that the delinquent officer is going to retire shortly and requested to take necessary action in the matter. The proposal has been examined and decided to impose a penalty of reduction to a lower stage in the Time Scale of Pay for a period of three years. Accordingly, the APPSC was requested to convey their consent for imposition of said penalty. The APPSC., vide their letter dt.14.02.2019 stated that the delinquent officer is going to retire from service by 31.05.2019 and it may not feasible for implementation and therefore, requsted the Government to propose an equivalent punishment to that of the proposed penalty.

7. Governmet examined the entire matter and after following due procedure, a provisional decision has been taken to impose penalty of "withholding of pension @ 7.39% permanently" under Rule-9 of AP Revised Pension Rules, 1980 against Sri K.Tulasi Ram, the then TPO (Retired) of Bhimavaram Municipality, West Godavari District.

8. In the reference 9th read above, a show cause notice has been issued to Sri K.Tulasi Ram, the then TPO (Retired), Bhimavaram Municipality, as to why the above said penalty cannot be imposed against him. In the reference 10th read above, the DTCP has forwarded the representation of Sri K.Tulasi Ram, the then TPO (Retired), Bhimavaram Municipality, wherein among others, he has requested to drop the further action against him; keeping in view the health grounds and the deviations were regularized under BPS.

9. Government have examined the matter; keeping in view the written representation of the charged officer and provisionally decided to impose the penalty of "withholding of pension @ 7.39% permanently" against Sri K.Tulasi Ram, the then TPO (Retired), Bhimavaram Municipality in terms of Rule-9 of A.P.Revised Pension Rules, 1980 as the charges were held proved against him in the enquiry and mere regularization under BPS cannot absolve him from the charges. Accordingly, Government addressed a letter to the Secretary, A.P. Public Service Commission to convey their concurrence to the above proposal vide reference 11th read above. The Secretary, A.P. Public Service Commission agreed with the proposal i.e., to impose a penalty of "withholding of pension @ 7.39% permanently" against Sri K.Tulasi Ram, the then TPO (Retired), Bhimavaram Municipality, West Godavari District, vide reference 12th read above.

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10. Government after careful examination of the entire matter hereby decided to confirm the provisional decision of imposition of the penalty of withholding of pension @ 7.39% permanently against Sri K.Tulasi Ram, the then TPO (Retired), Bhimavaram Municipality, West Godavari District, in terms of Rule-9 of A.P.Revised Pension Rules, 1980.

11. Accordingly, Government hereby order to impose a penalty of withholding of pension @ 7.39% permanently against Sri K.Tulasi Ram, the then TPO (Retired), Bhimavaram Municipality, West Godavari District.

12. The Director of Town and Country Planning, A.P., Mangalagiri shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Y. SRILAKSHMI
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri K.Tulasi Ram, the then TPO (Retired), Bhimavaram Municipality, West Godavari District **through** DTCP, AP, Mangalagiri.
The Director of Town and Country Planning, A.P, Mangalagiri.
Copy to:
The Secretary, APPSC, Vijayawada.
The Secretary to APVC.
The RDDTP, Rajamahendravaram.
The Commissioner, Bhimavaram Municipality, Erstwhile West Godavari District.
The Accountant General (A&E), Vijayawada.
The Pay & Accounts Office, Ibrahimpatnam.
(Sc/Sf 525373).

// FORWARDED :: BY ORDER //

SECTION OFFICER